

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

January 28, 2008

Charles R. Fulbruge III  
Clerk

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No. 07-60356  
Summary Calendar

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MARCO CARROTHERS

Plaintiff-Appellant

v.

DWIGHT PRESLEY, Warden, Area III; JOHN RODGERS, Deputy Warden, Area III; DARLESTER FOSTER, Associate Warden, Area III; PAMELA ROBINSON, Director of Offender Services; EMMITT SPARKMAN, Deputy Commissioner; CHRISTOPHER EPPS, Commissioner; LAWRENCE KELLY, Superintendent; ROBERT SCOTT, Case Manager Supervisor; GEORGE DAVENPORT, Captain, 32 Bravo; TOPPIE SPELLS, Lieutenant, 32 Bravo; LOLA NELSON, Hearing Officer; MAXINE LYNCH, Case Manager; LATONYA THOMAS, Case Manager; DIANN WASHINGTON, Correctional Officer

Defendants-Appellees

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Appeal from the United States District Court  
for the Northern District of Mississippi  
USDC No. 4:06-CV-174

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Before WIENER, GARZA, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Marco Carrothers, Mississippi prisoner # 65329, moves this court for permission to appeal in forma pauperis (IFP) from the dismissal of a civil rights

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

complaint alleging, inter alia, civil rights violations related to his custodial classification and his conditions of confinement. The district court denied Carrothers's IFP motion and certified that the appeal was not taken in good faith.

Carrothers's appellate pleadings address his financial status and assert that his appeal is not frivolous, but do not identify any error in the district court's rejection of his claims, which were addressed on the merits and dismissed for failure to state a claim on which relief could be granted. Although pro se briefs are afforded liberal construction, see *Haines v. Kerner*, 404 U.S. 519, 520 (1972), even pro se litigants must brief arguments in order to preserve them. *Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993). Because Carrothers's brief does not address the district court's reasons for dismissing his claims, this court need not address them. See *Brinkmann v. Dallas County Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

Therefore, Carrothers has not shown that the district court erred in determining that his appeal would be frivolous. See *Yohey*, 985 F.2d at 224-25. The instant appeal is without arguable merit and is thus frivolous. Accordingly, Carrothers's motion to proceed IFP on appeal is denied and the appeal is dismissed. See *Howard v. King*, 707 F.2d 215, 219-220 (5th Cir. 1983); 5TH CIR. R. 42.2.

The district court's dismissal of Carrothers's complaint and this court's dismissal of his appeal count as two strikes under 28 U.S.C. § 1915(g). See *Adepegba v. Hammons*, 103 F.3d 383, 387 (5th Cir. 1996). Carrothers is cautioned that if he accumulates three strikes under § 1915(g), he will be unable to proceed IFP in any civil action or appeal filed while he is incarcerated or detained in any facility unless he is under imminent danger of serious physical injury.

IFP DENIED; APPEAL DISMISSED; SANCTION WARNING ISSUED.